

**SCREENING AND ENVIRONMENTAL ACTION FORM
FOR A LOW-EFFECT HCP DETERMINATION**

I. Project Information

A. Project: Phillips Habitat Conservation Plan

B. Affected Species: Morro shoulderband snail (*Helminthoglypta walkeriana*)

C. Project Size: 43,628 square-feet (~1 acre)

D. Project Description: The project involves the construction and maintenance of a single family residence on a 43,628 square-foot existing legal parcel physically located at 2049 Andre Avenue in the unincorporated community of Los Osos, County of San Luis Obispo, California. The habitat conservation plan (HCP) provides the support necessary for the Service to issue an incidental take permit (ITP) that would authorize take of the Morro shoulderband snail (*Helminthoglypta walkeriana*). The County of San Luis Obispo requires demonstration that property owner is in compliance with the Endangered Species Act of 1973, as amended (Act) as part of their permitting requirements.

Richard Phillips, as the applicant, has prepared an HCP in support of his application for an ITP for Morro shoulderband snail pursuant to section 10(a)(1)(B) of the Act. Permit issuance would authorize take of this federally endangered species associated incidental to the otherwise legal construction and maintenance of a single family residence and associated uses on the Phillips parcel. The requested permit term is 10 years and the ITP would be eligible for renewal consistent with procedures required by Federal regulation (50 CFR 13.22).

E. Covered Lands: The ITP would authorize take of Morro shoulderband snail within the 43,650 square-foot parcel at 2049 Andre Avenue legally identified as County of San Luis Obispo Assessor Parcel Number 074-413-017.

F. Species Occupation and Baseline: HCP Tables 1 and 2, as well as Appendix C, discuss occupation of the parcel by Morro shoulderband snail. Survey results are provided for the recent 2013 survey effort and previous protocol survey efforts conducted in 2007 and 2003, and a July 2000 habitat assessment. Three live MSS were observed during the 2013 survey; no live MSS or empty MSS shells were found during the protocol survey efforts conducted in 2003 and 2007. The 2000 habitat assessment identified one moderately weathered MSS shell near the southwest corner of the site.

G. Minimization and Mitigation Measures: Minimization and mitigation measures are included in the HCP section 5 and summarized below.

Minimization Measures: The applicant has committed to retain a Service-approved biologist to prepare and deliver pre-construction environmental awareness training(s) for the applicants and all personnel who will be working on the project. This training would inform personnel of the status and presence of Morro shoulderband snails, grading and construction-activity restrictions,

and those minimization measures specified in the HCP. A temporary construction fence will be installed to prevent accidental egress into lands to be conserved. The approved biologist will also conduct pre-construction surveys prior to the initiation any vegetation clearing and/or constructions activities. Monitoring surveys will also be conducted concurrent with ongoing construction activities by this same biologist who would have the authority to implement any reasonable measure necessary to prevent avoidable take of Morro shoulderband snail and to stop any activity that does not comply with the conditions set forth in the HCP/ITP. To minimize take of Morro shoulderband snail in the form of injury or mortality, all live Morro shoulderband snails identified during the monitoring surveys would be captured by the Service-approved biologist and moved out of harm's way into suitable habitat at a receptor site pre-approved by the Service.

Mitigation Measures: Unavoidable take of the Morro shoulderband snail will be mitigated by payment of an \$8,552 fee into an Impact-Directed Environmental Account held by the National Fish and Wildlife Foundation. This fee will be used to fund Morro shoulderband snail recovery task actions on conserved lands within the known range of the species as identified in the *Recovery Plan for the Morro Shoulderband Snail and Four Plants from Western San Luis Obispo County* (Service 1998). Demonstration of this fee will be provided to the Service and the County of San Luis Obispo prior to the commencement of any activities that could result in take of Morro shoulderband snail.

H. Monitoring and Reporting: Monitoring and Reporting sections are also provided in HCP section 5 and summarized below.

Monitoring: Monitoring tracks the permittees' compliance with the terms and conditions of the HCP and ITP. The applicant (as the permittee) agree to grant access to the project site to representative from the Service as part of monitor activities in conformance with conditions and authorizations contained in the HCP and to be made conditions of the ITP.

- **Compliance Monitoring.** The applicant will retain a Service-approved MSS biologist to conduct compliance monitoring during the construction of the project. This monitoring biologist will ensure that the required minimization measures, such as protective fencing, environmental training, and construction monitoring, are implemented. Compliance monitoring will be conducted daily during initial disturbance activities including vegetation removal and rough grading. Following completion of the initial disturbance activities, the Service-approved biologist will conduct periodic compliance monitoring visits throughout the duration of covered activities. Monitoring may increase, as deemed necessary by the Service-approved biologist, depending on weather conditions and project activities.

Following completion of construction, the Service-approved biologist will conduct annual monitoring visits to document compliance with the ITP. Compliance monitoring results will be documented on Daily Monitoring Reports and reported to the Service in the annual reports for the project.

- **Effects Monitoring.** The Service-approved biologist will document the number of MSS captured and relocated, the amount of mortality observed, and the loss of MSS habitat based on as-built disturbances. The Service will be notified of observed mortality via e-mail within 48 hours of the observation. All other effects will be documented in the project's annual and final reports.
- **Effectiveness Monitoring.** The Service-approved biologist will monitor the project site throughout the permit term to evaluate the success or failure of the stated goals and objectives. Effectiveness Monitoring during construction will evaluate whether or not the minimization strategies successfully reduced the anticipated impacts to the extent feasible. Post construction Effectiveness Monitoring will evaluate whether or not the permit conditions and minimization efforts were successful at meeting the stated goals and objectives in the long term. Effectiveness monitoring results will be included in all annual reports.

Reporting: Project implementation and annual monitoring reports will be submitted to the Service during the 10-year permit term. Reports will be submitted to the Service by December 31 each year and include, at a minimum, the following: (1) a brief summary or list of project activities accomplished during the reporting year (e.g., including development/construction activities, and other covered activities); (2) project impacts (e.g., number of acres graded, number of buildings constructed.); (3) a description of any take that occurred for each covered species (including cause of take, form of take, take amount, location of take and time of day, and deposition of dead or injured individuals); (4) a brief description of conservation strategy implemented; (5) results of monitoring results (compliance, effects and effectiveness monitoring) and survey information (if applicable); (6) a description of circumstances that made adaptive management necessary and how it was implemented; (7) a description of any changed or unforeseen circumstances that occurred and how they were addressed; (8) all funding expenditures, balance, and accrual; and (9) a description of any minor or major amendments.

II. Does the HCP fit the following low-effect criteria?

A. Are the effects of the HCP minor or negligible on federally listed, proposed, or candidate species and their habitats covered under the HCP prior to implementation of the minimization and mitigation measures? Yes. Although Morro shoulderband snails have been documented on this parcel, they likely occur in very low numbers. Take of the species would be predominantly in the form of capture; very few individuals are expected to be subject to take in the form of injury or mortality.

B. Are the effects of the HCP minor or negligible on other environmental values or resources (e.g., air quality, geology and soils, water quality and quantity, socio-economic, cultural resources, recreation, visual resources, etc.) prior to implementation of the minimization and mitigation measures? Yes. The proposed project involves the construction and maintenance of a single-family residence and associated uses. Development is consistent with current zoning and would subject to permitting requirements by the County of San Luis Obispo. It is not anticipated that site development would result in any significant effects to the

human environment.

C. Would the impacts of this HCP, considered together with the impacts of other past, present, and reasonably foreseeable similarly situated projects not result, over time, in cumulative effects to environmental values or resources that would be considered significant? As discussed previously, the proposed project is limited to the construction and maintenance of a single-family residence and associated uses in an area zoned for same. As such, we determine that project implementation is not likely to result in any significant cumulative effects to the human environment.

III. Do any of the exceptions to categorical exclusions apply to this HCP? (Form 516 DM 2.3, Appendix 2)

Would implementation of the HCP:

A. Have significant adverse effects on public health or safety? No. The HCP was prepared in support of the issuance of an ITP for Morro shoulderband snail associated with the construction and maintenance of a single-family residence and associated uses in an area of similar uses. It is not anticipated that project implementation would result in significant adverse effects on public health or safety.

B. Have adverse effects on such unique geographic characteristics as historic or cultural resources, park, recreation or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, migratory birds, or ecologically significant or critical areas? No. The parcel is currently undeveloped and sited in a residentially zoned area that has been undergoing various levels of residential development for many years. Onsite habitat consists of coast live oak woodland, maritime chaparral, non-native grassland, and small patches of dune scrub-associated species that have been subject to on-going but infrequent disturbance by adjacent residential uses, off-road vehicle use, and weed abatement activities. Native plant species observed on the parcel include Morro manzanita (*Arctostaphylos morroensis*), several very old Arroyo de la Cruz manzanita (*A. cruzensis*), coast live oak (*Quercus agrifolia*), coyote brush (*Baccharis pilularis*), buckbrush (*Ceanothus cuneatus*), black sage (*Salvia mellifera*), telegraph weed (*Heterotheca grandiflora*), rushrose (*Helianthemum scoparium*), mock heather (*Ericameria ericoides*), and California croton (*Croton californicus*). Non-native species include perennial veldt grass (*Ehrharta calycina*), narrow-leaved ice plant (*Conicosia pugioniformis*), and ripgut brome (*Bromus diandrus*). Coast live oak leaf litter is present in portions of the parcel. Project implementation would not result in adverse effects to unique geographic characteristics such as parks, recreation, or refuge lands; wilderness areas; wild or scenic rivers; drinking water aquifers; prime farmlands; wetlands; floodplains; or ecologically significant areas.

C. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)]? No. The project is of a limited size and scope and consistent with County of San Luis Obispo zoning laws

have substantially less effects on available resources than the proposed project.

D. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks? No. The project is limited in size and scope. A maximum of one residence, with supporting infrastructure, would be constructed on an existing, legal residential single family-zoned parcel and associated uses. No unique risks have been identified and no reasonably identifiable future effects are expected.

E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects? No. The project is limited in size and scope. A maximum of one single-family residence with supporting infrastructure and associated uses would be constructed on an existing, legal parcel. Project implementation would not set a precedent or represent a decision in principle about potentially significant future environmental effects.

F. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects? No. This is a single-action that would be an otherwise legal activity that is related to any other.

G. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places? No. A cultural resources inventory was conducted in July 2015; no significant archaeological resources were identified onsite.

H. Have adverse effects on federally listed or species proposed for Federal listing, or have significant impacts on designated critical habitat for listed species? The project may result in the loss of several Morro manzanitas, a federally threatened plant species; however, these effects would be mitigated through the County's permitting process. The project is not anticipated to adversely affect the survival and recovery of the Morro shoulderband snail in the wild. The project site is not within proposed or designated critical habitat or a recovery unit for this or any other federally listed species.

I. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment? No. The HCP supports the issuance of an ITP that would authorize take of Morro shoulderband snail incidental to otherwise lawful activities. The parcel was legally created and the proposed project is consistent with current zoning. This project will be subject to review pursuant to the County of San Luis Obispo's Local Coastal Plan. Project implementation will require issuance of a minor use permit by the County of San Luis Obispo and a Coastal Development Permit. Demonstration that the applicants are in receipt of an ITP for this parcel will be a condition needed to obtain subsequent permits necessary to allow activities that would result in take.

J. Have a disproportionately high and adverse effect on low income or minority populations (EO 12898)? No. This project involves only the construction of a single-family residence and associated uses on the owner's property.

K. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (EO 13007)? No. The project site is not located proximal to sacred lands used by Native American religious practitioners nor are such lands found within the project area.

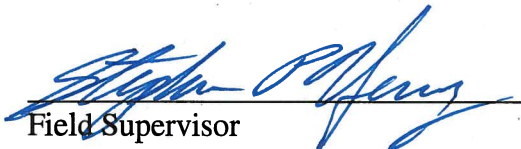
L. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and EO 13112)? No. This project will actually result in the removal of areas of invasive nonnative perennial veldt grass occupying that area where the residence and associated uses would be constructed.

ENVIRONMENTAL ACTION STATEMENT

Based on the analysis above, issuance of an ITP for the Kroll project is eligible for use of a categorical exclusion as its National Environmental Policy Act compliance as defined in the Service's *Habitat Conservation Planning Handbook* and is excluded from further National Environmental Policy Act documentation as provided by 516 DM 2, Appendix 1 and 516 DM 6, Appendix 1.

Other supporting documents: Habitat Conservation Plan for the Residential Development Project, 2049 Andre Avenue (APN 074-413-017), Los Osos, San Luis Obispo County, California (Phillips 2017)

Concurrence:


Field Supervisor


Date